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OAKLAND UNIFIED SCHOOL DISTRICT, JEFF GODOWN, DONALD PERRIER

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SARU JAYARAMAN, STEPHEN YOUNG, MARTIN BOYDEN, ZACH NORRIS,
DEIRDRE SNYDER, MIKE LOUDEN, AMY HARUYAMA, and ERIC PETTENGILL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SARU JAYARAMAN, STEPHEN YOUNG,
MARTIN BOYDEN, ZACH NORRIS, DEIRDRE
SNYDER, MIKE LOUDEN, AMY HARAYAMA,
and ERIC PETTENGILL,

Plaintiffs,

vs.

OAKLAND UNIFIED SCHOOL DISTRICT;
JEFF GODOWN, POLICE CHIEF; DONALD
PERRIER, POLICE SERGEANT, and DOES 1
through 20,

Defendants.

Case No.: 4:20-CV-00685-VC

**STIPULATION AND [PROPOSED]
ORDER REGARDING
DEFENDANTS' WAIVER OF
IMMUNITY UNDER THE ELEVENTH
AMENDMENT**

1 The parties to the above captioned action hereby stipulate by and through their
2 undersigned counsel of record as follows:

3 WHEREAS, on January 30, 2020 the plaintiffs filed the above captioned action in
4 this Court. (DKT 1)

5 WHEREAS, the action contains federal claims for violation of the First and Fourth
6 Amendments, and state causes of action for false arrest, battery, negligence and
7 violation of California Civil Code Section 52.1 (Bane Act). The complaint names as
8 defendants the Oakland Unified School District, Oakland Unified School District Police
9 Department Chief of Police Jeff Godown and Sergeant Donald Perrier. Chief Godown
10 and Sergeant Perrier are sued in the individual and official capacities.

11 WHEREAS, to the extent Chief Godown and Sergeant Perrier are sued in their
12 official capacities, they are immune from suit in federal court pursuant to the Eleventh
13 Amendment to the United States Constitution. The Oakland Unified School District is
14 also immune from suit in federal court pursuant to the Eleventh Amendment to the
15 United States Constitution.

16 WHEREAS, as a material condition of the Defendants' agreement to not file a
17 motion to dismiss the action pursuant to FRCP Rule 12 (b) (2) on grounds that the
18 Defendants are immune from suit in federal court pursuant the Eleventh Amendment
19 the parties agree as follows:

20 1. Defendants' consent to federal jurisdiction in this matter does not
21 constitute a waiver of any other defenses the Defendants have to any of state causes of
22 action and/or federal claims asserted by the plaintiffs herein. Such defenses include but
23 are not limited to that the Defendants are "not persons" for the purposes of an action
24 brought pursuant to 42 U.S.C. sections 1981, 1983, 1986, 1985, 1987. E.g. Will v
25 Michigan Department of State Police 491 U.S. 58 (1989); Lapides v. Board of Regents
26 of University System of Georgia, 535 U.S. 613, 624 (2002); Kirchmann v. Lake Elsinore
27 Unified School Dist. 83 Cal. App. 4th 1098, 1115 (2000) Belanger v. Madera Unified
28 School Dist. 963 F.2d 248, 251 (9th Cir.1992); cert. denied, 507 U.S. 919 (1993).

2. The parties agree that in the course of the litigation, should the federal court dismiss the federal claims or grant judgment to the defendants on such claims, the litigation shall remain in federal court unless the federal court orders otherwise.

3. The plaintiffs agree to not file a parallel action in state court arising out of the same subject matter as the instant lawsuit.

IT IS SO STIPULATED:

Dated: February 21, 2020

LEONE & ALBERTS

By: /s/, Claudia Leed, Esq.

LOUIS A. LEONE, ESQ.

CLAUDIA LEED, ESQ.

Attorneys for Defendants

OAKLAND UNIFIED SCHOOL DISTRICT,
CHIEF JEFF GODOWN, SERGENT DONALD
PERRIER

Dated: February 21, 2020

SIEGEL, YEE, BRUNNER & MEHTA

By: /s/, Dan Siegel, Esq.

DAN SIEGEL, ESQ.

Attorneys for Plaintiffs

SARU JAYARAMAN, STEPHEN YOUNG,
MARTIN BOYDEN, ZACH NORRIS, DEIRDRE
SYNDER, MIKE LOUDEN, AMY HARUYAMA,
and ERIC PETTENGILL

ORDER

Pursuant to the Stipulation of the parties and good cause appearing,

IT IS SO ORDERED:

Dated: February 24, 2020



VINCE CHHABRIA
UNITED STATES DISTRICT COURT JUDGE